

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT DILLINGHAM

RUTHANN K. LEVEQUE

Plaintiff,

vs.

HARTFORD INSURANCE COMPANY
OF THE MIDWEST,

Defendant.

Case No. 3DI-17 133 CI

COMPLAINT

COMES NOW the Plaintiff Ruthann K. LeVeque, by and through her attorneys, Schlehofer Law Offices, P.C., and states as follows:

I. Jurisdiction.

1. Ruthann K. Leveque ("Plaintiff"), at all times relevant, is a resident and citizen of the State of Alaska residing in Dillingham, Alaska.
2. The defendant Hartford Insurance Company of the Midwest (hereafter "Hartford") was and continues to be a corporation legally doing business within the State of Alaska.
3. The Plaintiff was injured in a single car accident in Dillingham, Alaska when the driver Kendell Alvarado (hereafter "at fault driver") lost control of the vehicle and caused injuries to the plaintiff.

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Kendell Alvarado resides in Dillingham, Alaska. Upon information and belief other passengers in the vehicle also live in Dillingham. The at fault driver was driving a car owned by Sharon Alvarado, a relative of the at fault driver who had underinsured motorist coverage on the vehicle plaintiff was in at the time of the collision.

4. The Alaska Department of Public Safety and Dillingham Police responded. It was determined that the at fault driver was intoxicated at the time he lost control of the vehicle with several passengers in the vehicle, including Plaintiff on October 9, 2016.
5. A personal injury claim was resolved against the at fault driver. The case against the at fault driver was resolved with the consent of the Hartford.
6. Ms. Leveque is seeking a judgement against Hartford under the UIM coverage for the vehicle she was in at the time of the collision.

II. Claims

7. Plaintiff incorporates the referenced statements above.

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8. On October 9, 2016 Ms. Leveque was a passenger in the vehicle being driven by the at fault driver in Dillingham, Alaska.
9. The at fault driver had a duty to drive his vehicle in a reasonable and prudent manner, at a safe speed given all the conditions, to pay attention, and to avoid losing control of his vehicle.
10. The at fault driver breached his duty of care through his actions and inactions, his failure to act as a reasonable and prudent driver given the circumstances, his failure to look and pay attention, by failing to maintain control of his vehicle, failing to drive at a reasonable and prudent speed given all the circumstances and road conditions, and by driving while under the influence of alcohol. The at fault driver also acted recklessly which constitutes assault. Negligence and recklessness claims per se against the at fault driver include claims under Alaska Statutes 28.35.030 and 11.41.220 & .230.
11. Ruthann Leveque is making a claim for underinsured motorist coverage under the Hartford policy arising out of the collision on October 9, 2016, and she has fulfilled the requirements for bring a claim under

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the underinsured motorist coverage.

12. Ms. Leveque seeks a judgment against the Hartford under the UIM coverage for the vehicle she was in at the time of the collision herein.

III. DAMAGES

13. Plaintiff incorporates by reference the statements above.
14. As a direct and proximate result of the actions of the at fault party mentioned above, and any other negligence or violations of applicable ordinances, codes or statutes which may be brought out at trial the plaintiff has sustained damages which have resulted in or which may result in:
- (A) Past and future pain and suffering;
 - (B) Past and future mental anguish;
 - (C) Past and future medical expenses;
 - (D) Past and future disfigurement and physical impairment;
 - (E) Past and future lost wages;
 - (F) Past and future inconvenience;
 - (G) Lost time and subsistence;
 - (H) Impairment of earning capacity;
 - (I) Loss of enjoyment of life and diminished ability to enjoy other physical pursuits;


(J) Past and future non-economic losses.

WHEREFORE, Plaintiff prays for judgment as follow:

- (1) Compensatory damages, the exact amount to be more specifically determined at trial;
- (2) Medical and incidental expenses;
- (3) Damages for pain and suffering and other damage items mentioned above;
- (4) Costs of suit;
- (5) Attorney's fees;
- (6) Pre-judgment interest;
- (7) Such other and further relief as the court deems just and proper.

DATED this 1 day of December, 2017.

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